

HOUSE No. 1618

By Ms. Candaras of Wilbraham, petition of Gale D. Candaras for legislation to further regulate the removal of monuments or town markers in abolished counties. Municipalities and Regional Government.

The Commonwealth of Massachusetts

In the Year Two Thousand and Five.

AN ACT AFFECTING COUNTY COMMISSIONERS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Section 10 of Chapter 42 of the General Laws, as appearing in
2 the 1996 Official Edition, is hereby amended by inserting after the
3 word, “town,” in line 3, the words:— The City Council of any
4 City or Town Meeting of any Town where any such monument or
5 mark is wholly or partly situated may, by two-thirds vote, grant to
6 any person making written application permission to remove,
7 cover up or obliterate the same, first making provision for pre-
8 serving the exact location of the original boundary or mark by
9 causing proper witness marks to be set up, or other means taken,
10 which shall, with proper designation and measurement, indicate
11 the position of the original mark or monument. Where any such
12 monument or mark designating the boundary of a city or town
13 crosses municipal boundaries, the city council or town meeting
14 approval by two-thirds vote of all contiguous towns affected must
15 be obtained by the petitioner to remove, cover up or obliterate
16 such monument or mark. The planning director or planning board
17 of any city or town so affected shall cause a full description and
18 designation of such witness marks and monuments so made and
19 set up to be recorded in the office of the city or town clerk of the
20 contiguous towns, and a copy of such description to be forwarded
21 to the state secretary. This section shall not apply to monuments
22 and marks designating boundary lines of the Commonwealth. The
23 former approvals by cities and towns shall only apply to those
24 counties whose county governments have been abolished.

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